

**HAWAII STATE**

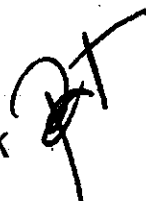
**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2011**

***ROUGH DRAFT  
JOURNAL***

**TWENTY-FIRST DAY  
FEBRUARY 18, 2011**

**OFFICE OF THE CHIEF CLERK**

A handwritten signature in black ink, appearing to be 'J. T.', is written over the text 'OFFICE OF THE CHIEF CLERK'.

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## TWENTY-FIRST DAY

Friday, February 18, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Chong, Herkes, Jordan, McKelvey and M. Oshiro.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twentieth Day was deferred.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 151 through 164) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 151, dated January 10, 2011, transmitting the 2010 Annual Report of the Office of Language Access, prepared by the Department of Labor and Industrial Relations pursuant to Act 290, SLH 2006.

Gov. Msg. No. 152, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Requiring All Departments And Agencies To Identify Their Goals, Objectives, And Policies, To Provide A Basis For Determining Priorities And Allocating Limited Public Funds And Human Resources, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 153, dated January 13, 2011, transmitting the Annual Report on the Status of the Federal Reimbursement Maximization Special Funds, prepared by the Department of Public Safety pursuant to Section 353C-7(c), HRS.

Gov. Msg. No. 154, dated January 13, 2011, transmitting the Report on Services for Children of Incarcerated Parents, prepared by the Department of Public Safety pursuant to Act 240, SLH 2008.

Gov. Msg. No. 155, dated January 13, 2011, transmitting a report Requiring All Departments and Agencies to Identify Their Goals and Objectives, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 156, dated January 13, 2011, transmitting a Report on Return of Out-of-State Inmates, prepared by the Department of Public Safety pursuant to Act 8, Section 7(c), First Special Session of 2007.

Gov. Msg. No. 157, dated January 13, 2011, transmitting a Report on Sentencing of Habitual Violent Felons, prepared by the Department of Public Safety pursuant to Act 81, SLH 2006.

Gov. Msg. No. 158, dated January 13, 2011, transmitting a Report on Sexual Assaults in Correctional Facilities, prepared by the Department of Public Safety pursuant to Act 194 (H.B. No. 2266), SLH 2010.

Gov. Msg. No. 159, dated January 13, 2011, transmitting a Report Relating to Cognitive Restructuring, prepared by the Department of Public Safety pursuant to Act 193 (H.B. No. 1818), SLH 2010.

Gov. Msg. No. 160, dated January 13, 2011, transmitting a Report on Gender-Responsive Community-Based Programs for Women, prepared by the Department of Public Safety pursuant to Section 367D-008, HRS.

Gov. Msg. No. 161, dated January 13, 2011, transmitting a Report on Inmates Mental Health Services at Oahu Community Correctional Center, Halawa Correctional Facility, and Women's Community Center, and on Mental Health Services for Committed Persons, prepared by the Department of Public Safety pursuant to Act 213 and Act 144, SLH 2007.

Gov. Msg. No. 162, dated January 13, 2011, transmitting the Report on the Narcotics Enforcement Division, prepared by the Department of Public Safety pursuant to Section 329-11, HRS.

Gov. Msg. No. 163, dated January 13, 2011, transmitting a Report on the Electronic Monitoring Pilot Program for Eligible Committed Persons, a Report on Three Additional Warrant Teams for FY 2011, a Report on Deputy Sheriff for Special Duty Assignments for FY 2010 and 2011, and a Report on Public Safety Employees Sick Leave Abuse and Overtime Costs-Reducing Costs, prepared by the Department of Public Safety pursuant to Act 162, Part III, Sections 44, 45, 46 and 47, SLH 2009.

Gov. Msg. No. 164, dated January 13, 2011, transmitting the Annual Report of Hawaii Correctional Industries, prepared by the Department of Public Safety pursuant to Section 354D-3.5, HRS.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 59 through 62) were received by the Clerk and were placed on file:

Dept. Com. No. 59, dated January 25, 2011, from Winfred Pong, VP, Administrative & Fiscal Affairs, Hawaii Tourism Authority, transmitting documents corresponding to items listed on the agenda for a public meeting of the Hawaii Tourism Authority Board of Directors on January 27, 2011, and a CEO Report.

Dept. Com. No. 60, dated January 19, 2011, from Bruce A. Coppa, State Comptroller, Department of Accounting and General Services, transmitting the Comptroller's Memorandum No. 2007-21 pertaining to procedures that should be followed in the event that there is an emergency that may occur after normal operating hours, on furlough days, weekends and holidays.

Dept. Com. No. 61, dated February 9, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting 25 analyses completed on special and revolving funds proposed in the current legislative session, conducted pursuant to Section 23-11, HRS.

Dept. Com. No. 62, dated January 7, 2011, from Gary Yubata, Chief of Police, County of Maui, transmitting a letter pursuant to Act 242, uniform Information Practices, stating that during calendar year 2010, no Police Officer was suspended and discharged for any of the following categories of misconduct: Malicious Use of Physical Force; Mistreatment of Prisoners; Use/Possession of Drugs and Narcotics; or Cowardice.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

At this time, the Chair announced:

"Members of the House, prior to proceeding on with Order of the Day, the Chair will like to ask for your indulgence and understanding. If you are going to vote no and if you have the time, please submit your written comments in opposition. That way we can try to accommodate our Neighbor Island colleagues who have a flight to catch this afternoon."

At 12:10 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 101, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 325, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 358, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HYBRID BICYCLES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 489, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 489, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 506, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 506, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 1240, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1240, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 1241, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to

the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 428) recommending that H.B. No. 331, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 331, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 1622, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1622, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 1505, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 431) recommending that H.B. No. 1486, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1486, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 432) recommending that H.B. No. 785, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 785, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 785, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 1164, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1164, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and just a short comment on Stand. Com. Rep. No. 433 which is something of concern to me just because it contemplates the sale of public lands. That's a step that would be something that is not warranted. Thank you, Mr. Speaker."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 434) recommending that H.B. No. 1529, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 848, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 847, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 846, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 846, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 846, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti and Saiki voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 98, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 98, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 1338, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1338, HD 1, entitled: "A BILL FOR AN ACT RELATED TO THE

ECONOMY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 985, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 985, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"I have reservations on Stand. Com. Rep. No. 441 and comments. Just briefly, what this bill does is when people bid, or a company bids on a project, this will allow losing bidders to also get money from the State. I'm just really concerned. While I know it's to increase competition, we are actually costing more money for the State by paying out those that will probably just bid just for their return of the money from the State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

At 12:15 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m. with Vice Speaker Manahan presiding.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 1339, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1339, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 983, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 702, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 445)

recommending that H.B. No. 801, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 924, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 924, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 782, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 782, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote on Stand. Com. Rep. No. 447. And a brief comment. There's another bill that's going around that says DBEDT gets a percentage of a tax to make it whole. This one essentially gives more tax. They're creating more tax funding here. Because it's a tax increase, it's automatically going to be counterproductive for our small businesses. The small guys are going to get hurt by that."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. On Stand. Com. Rep. No. 447, House Bill 782, I am in opposition. I call this the 'cannibal bill.' One department is eating up another department, but DBEDT will be the beneficiary of \$2 million scooped out of the DCCA Compliance Resolution Fund. I think DBEDT hopes to raise \$2 million a year from this measure. It will increase license fees and a lot of other fees by DCCA by adding a \$20 surcharge for the life of this measure, and that's a tax increase. I question its constitutionality. Thank you."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Marumoto, Thielen and Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 235, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 235, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am in opposition to Stand. Com. Rep. No. 448, the limited liability companies which creates ingenuity companies. And with a brief comment. This bill has come up in various shapes and forms. To create a new company as if the existing corporate options to create a company don't exist. This is a chance to probably get more taxation for intellectual property rights. Intellectual property type companies.

"Existing law is sufficient to do this, particularly when the purpose of this is really to promote collective bargaining, or labor, or unionization of businesses, which heretofore have not been so.

"So it's been in various forms, morphing year after year. It's still as bad as it was in the beginning when it was more transparent and it was called—I forget even the term that was used. But it's a very unorthodox shaped way of doing business without saying, 'Look, we want to have labor more able to organize.' So with that, thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 1308, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 1183, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1183, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, I rise with reservations and a comment on Stand. Com. Rep. No. 450. Yes, I just wanted to note that the Department of Taxation noted because of the complexity of the bill, and what they would need to do, it could actually cause a revenue loss for the State."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1183, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 1362, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1362, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Chang, for the Committee on Economic Revitalization & Business and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 526, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 788, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 788, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 261, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 261, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 993, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 993, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 993, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY

SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1039, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1266, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1266, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1373, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1373, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations on Standing Committee Report 458 and have brief comments. I think that one of the things I wish had happened in Committee is we didn't really have the benefit of anyone to ask questions to. And this is making a fundamental change to the 17 cent fuel tax to a percentage of a calculation that has come up on a monthly basis by the PUC.

"I don't think anyone disagrees with the intent to fund the Highway Fund, but I worry that this creates a lot of uncertainty for all our constituents when the price potentially changes for them on a monthly basis. And they're probably not following the methodology of calculation. Which just again creates that uncertainty.

"It could be advantageous for consumers or it could adversely impact them, and that just didn't come up in Committee because there wasn't anyone to testify or answer our questions. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose in support of the measure with reservations and asked that the remarks of Representative Johanson be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Reservations as well on Stand. Com. Rep. No. 458 and I just would like to make a brief comment. There are two measures going forward to fund the Highway Fund like the Vehicle Weight Tax and the Registration. I would rather support those measures, Mr. Speaker, because this one would affect my constituents who have to buy a lot of gasoline to come to work in town. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1373, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 1510, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1510, entitled: "A BILL FOR AN ACT RELATING TO RUMBLE STRIPS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Souki and Tsuji, for the Committee on Transportation and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 1567, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1567, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Souki and Tsuji, for the Committee on Transportation and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 1568, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1568, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 691, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 691, HD 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 1380, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.



1380, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 902, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1330, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1330, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hanohano rose to speak in support of the measure with reservations, stating:

*"Mahalo. Ka luna ho'omalu. Ke kū nei au me ke kanahua. E pono no ka hō'ōia no kēia pu'u kālā ma ke kula nui La'au Lapa'au, 'o John A. Burns. 'O kēia waihona kālā 'ōia no ke kōkua ke kukula kēia hale kula nui 'ōia ho'i ka La'au Lapa'au. 'O ke kula, 'a'ohe pono ke 'ano a me ka hana ma'a 'ole. Ina e ho'opili, kō kākou Pelekikena Obama kane 'ōia no ka 'ēlemu peku.*

"Mr. Speaker, I rise with reservation. There needs to be an audit on how these funds are spent by the John A. Burns School of Medicine. The Tobacco Settlements Funds were initially appropriate to kick start JABSOM. It appears that the University is hooked and can't kick the habit. They need to follow President Obama's lead in 'kicking butts.' Mahalo."

Representative Awana rose in support of the measure with reservations and asked that the remarks of Representative Hanohano be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Takai rose in opposition to the measure and asked that the remarks of Representative Hanohano be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Takumi rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you. I just wanted to disclose a potential conflict. My grandson is a third-year student at the med school," and the Chair ruled, "no conflict."

Representative Thielen continued in support of the measure, stating:

"Thank you. I support the bill."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. Generally, I support more local medical students and the John A. Burns School of Medicine.

"Continuing the appropriation of a portion of the Hawaii Tobacco Settlement Special Fund moneys for operating expenses of the John A. Burns School of Medicine ensures our State university's ability to educate and train future physicians for practice in Hawaii. I would have supported even greater links between the funding we provide and insuring physicians practice in our rural areas.

"The use of these moneys is a proper use of the Tobacco Funds. Programs and staff at the John A. Burns School of Medicine conduct the studies, outreach, and treatment of tobacco-related illnesses.

"However, I do recognize the Hawaii Tobacco Prevention and Control Trust Fund's allocation from the Master Settlement Agreement has been reduced several times. The trust fund's balance will be depleted in eight or nine years. We need to ensure that the John A. Burns School of Medicine develops and implements practices that will provide for the school's sustainability over the long term -- that from July 1, 2015, it will not rely primarily on funding from the Hawaii Tobacco Settlement Special Fund."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was referred to the Committee on Finance, with Representatives Belatti, C. Lee, Morita, Rhoads, Takai and Takumi voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1326, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 1327, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1327, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 468) recommending that H.B. No. 809, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 809, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, I rise with reservations on Stand. Com. Rep. No. 468. And just a really brief comment. Timeshares are not hotel rooms. They are actual property that's owned by people, although it may be a partial ownership, I do not believe that we should be taxing them as hotel rooms. Thank you."

At 12:25 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Reservations on Stand. Com. Rep. No. 468 and a comment. In addition to what the Representative from Maui said, the reason timeshares are different is what they do differently from those that pay taxes on the TAT, is they also pay real property taxes. So they're already taxed more than you would staying in a hotel."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 809, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1038, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1038, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 946, HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 577, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 1041, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1041, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1041, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 1166, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1166, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, reservations and brief comments on Stand. Com. Rep. No. 473. Mr. Speaker, this is as the previous speaker from Maui indicated, you must ask the 'nanny state' if you will, for permission to get rid of employees, because when you sell them, that you have to sell them lock, stock, and barrel.

"I think this is an unnecessary infringement into the free market system. I think this is an intrusion. I know it's come up before, but more rational tempers have prevailed in this and I hope it does on this time.

"Because being in business is a risk. I know of a business that took a really hard hit because of a Health Department scare. They want to sell the business, but didn't have the money to keep the employees. So under business law like this, even though I know it's a hundred and above, it's like who are we? Do we know better than the business people how to run a business? How to hire and fire?

"The problem with our economy now is jobs, jobs, and jobs. We've got to encourage these people, not discourage them, to hire people. This is saying, 'Watch out. The government's going to come in and say you cannot fire anybody. We know better than you.' Mr. Speaker, this is not what's going to make this country great or this State prosperous. Thank you."

Representative Marumoto rose in opposition to the measure and asked that the remarks of Representatives Ward and Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative B. Oshiro rose to speak in support of the measure, stating:

"I stand in support of Standing Committee Report 473. Just very briefly to counter the remarks of the Minority Leader. This is a bill about jobs. This is protecting the jobs of the local workforce and that is why we need to move this forward. As we continue to see conglomeration happen all over our State whereby people outside of this State are taking control of our businesses, do we have a control on our destiny and our future? And that is what this bill is seeking to ask.

"I think it's a worthwhile discussion, especially as we see businesses closing up like Borders, causing 'mom and pop' stores that previously were selling books to have all shut down. That is the question that we have before us. Whether we want to control our own destiny, or have somebody outside controlling it for us."

Representative Ward rose to respond, stating:

"A brief rebuttal. Contrary to the Majority Leader's concept, vision, or description of what paradigm we're faced with in our country and our State, it's all about creating jobs. That's what we have to encourage by letting employers know we're going to get out of your way, allow you to create more jobs. It's all about jobs. Of course we want to retain jobs, but you want to give employers the confidence level by which to hire more jobs.

"You know, contrary to popular opinion, there's no shortage of money in our economy. It's the lack of confidence they have to invest it to where they're going to get a return and it's going to be safe.

"When we pass bills like this it puts a cloud of uncertainty. It's almost like the 'vog' of the marketplace that comes over it saying, 'You know I'm not sure I'm going to put my money out there and create more jobs.'

"Because if we just keep the jobs we got now, at six point something unemployment, we're going to be in the pit. We've got to go back to when it was down to 2.2, 2.3 in the days of the previous Administration when the economy across the world, across the State, across the nation was doing very, very, very well.

"So it's all about jobs. That's basically the rebuttal. It's retaining jobs of course, but it's that the people who hire them need to know that we're behind them. And Mr. Speaker, this scares the daylight out of them because it takes away their decision to hire and fire, which often is 20 to 40% of their expenses to run a business. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support. Thank you, Mr. Speaker. I support the bill because I believe that the Chairs of Economic Revitalization Business, along with Labor, truly understood the concerns that the Minority Leader has pointed out and have actually put some great language, I think, in the bill.

"It's worthy to keep the discussion going because for example it says they provide the successor employer, in the event of divestiture of a covered establishment, a tax credit for retaining all incumbent non-supervisory and non-confidential employees for at least a year.

"They increased the amount of employees employed by a covered establishment from 50, to 100. So they were definitely looking at the larger organizations and that really limits the impact this bill has.

"Also, it points out that if the employer is creating something that's so substantially different from what the existing company was, then obviously this wouldn't have the same impact.

"So they put a lot of criteria in here that I think is really beneficial for the continuity of helping the transition of a new company, and making sure that those that have the talent and expertise and live in the area stay employed. Thank you, Mr. Speaker."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 837, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 837, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, I had reservations on Stand. Com. Rep. No. 474 and a brief comment. I understand the purpose of this bill, however I'm very concerned. What this bill does is, if you have a part-time job and you voluntarily leave, you're going to be entitled to these unemployment benefits.

"I'm just very concerned. Previously in the week, we're raising some fees on businesses to pay back the federal government because we had to borrow from them to pay for these benefits. Yet now, we're going to be paying for people who voluntarily quit their job for benefits.

"I'm just finding a very difficult time supporting all of these benefits because we're can't afford what we have right now."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose in opposition to the measure and asked that the remarks of Representatives Ward and Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker. On Stand. Com. Report 474, in support. Just quickly. Thank you. This bill only applies to workers who are already attached. They're full-time employees who are attached to an employer already. And what we're trying to do is create the incentive. These people have every right to just sit there and take unemployment until the layoff ends, and then they can go back to work at their regular employer that they're already attached to.

"What this bill does is encourage those people to go to work at part-time jobs while they're waiting for their regular job to resume, and I think that that's the right incentive to have. The right incentive to have is for these people to work and not to sit on unemployment, which is not only beneficial to them, but beneficial for the balance of the Unemployment Insurance Trust Fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 56, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 56, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 616, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 616, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 1003, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 1407, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1407, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 727, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 727, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES," passed Second

Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 769, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 1121, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERMS OF IMPRISONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 1473, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1473, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 998, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 998, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise with reservations on HB 998. While this bill is well intentioned, any wide-spread increase in fees may adversely affect Hawaii's struggling families. The environment and the state's landfill problem are always a concern, and measures such as this are noble attempts at a solution. This fee, however, could disproportionately impact those who are least able to weather increases at the grocery store. Many of our people struggling to get by and/or provide for their families. Some grocers offer a positive incentive or discount when a reusable bag is utilized, and this similar program can achieve for overarching objective without levying a punitive fee."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 998, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1521, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1521, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 1176, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1176, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. On Standing Committee Report 485, may I have a ruling on a potential conflict? Given my pending appointment to the Public Utilities Commission, I'd like to be excused from this vote."

The Chair responded, stating:

"You will be excused from the vote."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1176, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1046, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1046, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"I have reservations on Stand. Com. Rep. No. 486 and a brief comment. This is one of the bills that enforce federal law and the new health insurance law on the State of Hawaii. It does enforce parts of the law, but I'm just skeptical at this point because many states have challenged this law being imposed on their own state. I think we still have the best health insurance coverage in the nation and I'm just concerned that any tweaks could affect business in some way and investment as well."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1046, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1344, HD 1, as amended in HD 2, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1344, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 863, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 1654, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1654, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1494, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1494, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Rhoads rose to speak in support of the measure with reservations, stating:

"On Standing Committee Report 490, HB 1494, with reservations and quick comments. Thank you. The previous Attorney General has already opined that a condo board can restrict, eliminate, and ban smoking in the

entire condo. Very few people do this because no one wants to be the 'guinea pig.'

"But the original version of this bill would simply clarify that condo boards can outlaw smoking throughout the condo building by rule, and this current draft takes that current ability away. I think that's a step backwards. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1494, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 1088, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1088, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1243, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1243, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 421, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 160, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 65, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 65, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL TREATMENT FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 516, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 516, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS MADE OUT OF THE EMERGENCY AND BUDGET RESERVE FUND PURSUANT TO ACT 191, SESSION LAWS OF HAWAII 2010," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 845, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 845, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. Yes, may I have a ruling on a potential conflict? On Stand. Com. Report No. 497, I'm an officer of a company that has a ground lease," and the Chair ruled, "no conflict."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on Stand. Com. Rep. No. 497 and just a few short comments. This measure, House Bill 845 reflects a growing trend in many of the bills coming before this House regarding the forcing the sale, or conversion of sale of leases. Now if this is a policy that the House and the State want to go down that road, whether it's forcing the State government or other private landowners to convert to convert their leases into sales, then that's a conversation we need to have. And we should approach that very carefully because it has the government becoming involved in business transactions that should be governed, I believe by the free market. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Riviere rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 845, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUND LEASES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 498)

recommending that H.B. No. 475, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 475, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 1187, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1187, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"On Stand. Com. Rep. No. 499, I am an importer of liquor and the Chair ruled, "no conflict."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Reservations on Stand. Com. Rep. No. 499 and a brief comment. This increases taxes on liquor. It was noted in the Committee that those who are alcoholics will always drink alcohol until they are cured or helped. However many drinkers, including many tourists in the tourist industry do consume a lot of alcohol. And it was commented that this would actually lose money for the industry as a whole, and their viability to compete because occasional drinkers will buy less liquor and that's many local companies."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of Standing Committee Report No. 499. Thank you. This increases the liquor tax rate and I've wondered for many years why we haven't tackled this one because as long I've been here, we continue to raise the cigarette tax and our argument is always the impact that the cigarette tax has on the health of people which results in all of us taxpayers across the State to have to pay for the impact on people's health from smoking cigarettes.

"Well I would argue it's the same with alcohol. We have obesity. We do have diabetes. We do have alcoholism that affects liver. And so in essence, probably our society pays quite a bit for the impacts it has on people's health.

"But even more so, the social impacts of drinking also can affect families like domestic abuse. The greater society does pay for the impacts

of liquor. So if we're going to raise the price of tax on cigarettes, then I really believe we have to raise the tax on liquor. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. And I would like to have the words of my colleague from Kona to be entered into the records as if it my own. As a registered nurse and a critical care nurse for many, many years, I have seen the impact of alcohol on the bodies of the people that abuse this. So we should look at liquor like we look at cigarettes because while they may have different pathways to bad health, the outcome is the same. So in that sense, Mr. Speaker, I support the measure. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, briefly I stand in support. The only problem I have with this bill is it doesn't also include soda. Thank you."

Representative Pine rose to respond, stating:

"Just, again in rebuttal. I do agree with the health concerns and I don't drink that much liquor because of that. My concern was more with the businesses in the State of Hawaii. The breweries in the State of Hawaii. I'm looking particularly from a business perspective. We don't have people making cigarettes in mass quantities in the State of Hawaii, and that's why I think many people were more palatable to vote for the cigarette tax increase. But this would affect business and have a huge revenue loss, and a huge job loss for the workers at the breweries."

At 12:47 o'clock p.m. Representative Keith-Agaran requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I wish to speak with strong reservations against increasing the gallonage on liquor tax. I vote with strong reservations on it. My understanding is, as we have been increasing the tax, the revenue impact has been, as far as increasing revenue for the State, has been less and less. As the consumption goes down, the tax then doesn't serve any purpose at all except to hurt the businesses that provide for the liquor.

"So there's always a point of no return, and I request that the Finance Committee examine in depth as to whether it's worth the effort to push a measure like this, where it'll hurt the business and the revenue increase would be rather negligible. Thank you, very much."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. On that note, if we're going to be asking the future Committees to look at the cost impacts on the businesses that provide alcohol Mr. Speaker, then we should also be incorporating and looking at the value of the impact of those that drink and drive, those that suffer from cirrhosis of the liver due to drinking, as well as other negative impacts of the drinking of alcohol to excess. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1187, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 1509, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

1509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 356, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 356, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 1551, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1551, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. On Standing Committee Report 502, I'd like to be excused from voting on this measure. My law partner apparently is lobbying on this measure. I'm not sure if I will receive anything from what he is paid, but in an abundance of caution, I like to be excused."

The Chair responded, stating:

"So ordered. You are excused."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I just would like you to note my reservation on Stand. Com. Report 502 and I would like to give a brief comment about my reservations. Although I like the film industry's presence in our State, they're asking for a huge amount of tax credit. And as you know, tax credits can be sold and the impact can be devastating if they so decide to cash it out all at one time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, Keith-Agaran and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1307, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 504)

recommending that H.B. No. 519, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 519, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 113, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 113, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"On Stand. Com. Rep. No. 505, Mr. Speaker, I have reservations. This raises multiple issues. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 313, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 313, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 377, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 378, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 378, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPING OF PUBLIC FACILITIES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 400, pass Second Reading and be referred to the Committee on Finance.



On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 400, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1063, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1063, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 1438, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 402, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 402, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just had some concerns on SCR 512. I completely respect the purpose of this bill and I do believe these types of things are needed. However, what this bill also does is it also allows cultural impact assessments in addition to the environmental impact assessment in all the procedures that are done before projects can be started. It also gives OHA veto power to stop all projects. I'm just very concerned that this doesn't allow us much flexibility to grow this economy if we do have people who are saying no to every single project that has jobs."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise with a little more heaviness in that reservations may be not be enough to express my concern about this, so I will be voting no. The problem is it's a bit over the top. I mean it's good that we. The host culture is invaluable. We would not be who we are, where we are, and what we do vis-à-vis our environment.

"But this one says that the gatekeeper is basically going to stop major and all real estate transactions without first the cultural impact. And for some who love, and some who hate OHA, they're going to be the gatekeeper as the former speaker, my colleague said, they have veto power. I think that's going a little bit over the top.

"I would suggest the next Committee tone it down or turn it down a little bit so we can get one with this and respecting the host culture, but also respect that we've got to get on with life, we've got to get along with the development of other options than just putting no development at every nook and cranny, and every turn left or to the right. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please register my with reservations. Mr. Speaker, this addition, while worthy in the cause of having cultural impacts, and looking ahead of time to be proactive. The impact on development and the time and potential consequences could make projects delayed for an extended length of time. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 155, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 389, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 389, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 948, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 948, entitled: "A BILL FOR AN ACT RELATING TO CEDED LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 917, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 917, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 917, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 850, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 850, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 548, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 548, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 915, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 931, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 931, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1180, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1180, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 1224, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

1224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 579, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 756, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 756, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 324, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 376, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 376, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 376, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 926, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE SETBACK," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 738, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 738, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 576, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1045, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1045, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1201, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 463, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 463, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 678, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 678, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

INFORMATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1000, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1384, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1384, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1257, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1257, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Morita rose to disclose a potential conflict of interest, stating:

"On Standing Committee Report 536, again may I have a ruling on a potential conflict? Given my appointment and pending confirmation to the PUC."

The Chair responded, stating:

"Same conflict? You are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1342, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 466, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 466, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on No. 538 and brief comments. Thank you. This is House Bill 466. There was no consultation with the local medical community to see if the doctors could cover this. In addition the present system isn't broken. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 466, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1179, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1179, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1050, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1050, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 337, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 879, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 879, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 972, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 972, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. On Standing Committee Report No. 543, may I have a ruling on a potential conflict, given my pending appointment?"

The Chair responded, stating:

"You are excused."

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict on Stand. Com. Rep. Nos. 543 and 547. I'm an owner of a gas station," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1220, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1220, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRIVACY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1411, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1051, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Morita, for the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1455, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1455, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict on Stand. Com. Rep. Nos. 543 and 547. I'm an owner of a gas station," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Morita, for the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 1456, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1456, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you. May I have another ruling on a potential conflict on Stand. Comm. Report 548? At my gas station we sell petroleum products," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1456, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 130, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 492, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 551) recommending that

H.B. No. 1008, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 604, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 604, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"With reservations on Stand. Com. Rep. No. 552, Mr. Speaker. Brief comment, as I did the other day when I spoke about the emerging 'nanny state' in all the different areas where our government is going to tell us what to do. This is not exactly directly applicable, but it says that lighters that look like novelties are going to be banned. It was said in the hearing there was nothing from the State Fire Safety Council on Fire Prevention that they knew of whether it was a match that's a wooden match, or a book matches, or a lighter that is the cause of fire.

"One of the difficulties of being a legislator is that we often make our decisions based upon impressions, anecdotes, but not data. I would really hope that the next Committee looks at what the data is saying. Are these things which we want to ban really a problem? And is it something that's going to be next to them banning matches. Because when you light a lighter and you take your thumb off it stops. Matches continue to burn like cigarettes, etc. which are probably the largest cause of fire.

"So Mr. Speaker, not that this is going to make the 'nanny state,' but it's kind of edging up to the side and saying, 'Look, government knows better. Stop doing this and we're going to live happily thereafter.' I think we just have to be cautious as legislators. Let's see the data. If it's a problem, let's do it. If not, let's let it go. That's why I have reservations. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. Children playing with lighters or matches from 2004 to 2008 accounted for 57,000 fires, Mr. Speaker. Approximately 113 civilian deaths, 916 injuries, and about \$286 million in property losses within those four years. Also a federal Consumer Product Safety Commission has recalled thousands of these types of lighters known as 'novelties.'

"The intent with this bill, Mr. Speaker, is to take off some of these types of products that are made and designed to attract children to playing with them. Children think they are toys, but actually they are dangerous lighters that can cause life-threatening fires. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Just a brief retort. I appreciate having the data. I'd like to see it broken out by matches versus lighters. And I would also ask the gentleman who just spoke, why are lighters made before 1980 exempt? I mean, if they're that dangerous and are that much of a threat, why exempt lighters before 1980? Thank you."

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"I stand with reservations and just a brief comment. I would like to have seen us do something where we would have actually put in a safety device so that children couldn't use it, instead of taking away the ability for adults

to use these products and to purchase them. Some people collect them as collector items. They go on vacation. They bring home a novelty item from Disneyland or wherever the case they may be. Where they visit. I think it's just over-restrictive. I would like us to move towards a safety device. Thank you."

Representative Yamane rose to respond, stating:

"Thank you, Mr. Speaker. Again, I'm standing in support. If people want information, I'll just let you know that in the City and County of Honolulu during the period of 2003 to 2004, 48 fires were started by children playing with these types of lighters. This accounted for \$3.9 million in losses. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Just in strong support and I'd like the words of the Representative from Mililani as my own. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 604, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 876, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 876, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1085, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 1620, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1620, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 491, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 491, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1458, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1458, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 172, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 172, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1052, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Brower and McKelvey, for the Committee on Tourism and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1617, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1617, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 823, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 290, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 268, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 268, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1071, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1071, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 119, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 836, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 836, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1064, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1064, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD

PROTECTIVE ACT COURT PROCEEDINGS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 231, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 231, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1435, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1435, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with very strong reservations on Standing Committee Report No. 570. Thank you, Mr. Speaker. Members, this is the ignition interlock bill and I do recognize that this bill will be going on its final Committee. But I would like to note that the bill in its current form is not supported by any members of the task force, the Ignition Interlock Task Force. And the Task Force is comprised of 26 members including: the Director of Transportation; the Director of Health; the Attorney General; the State Public Defender; the Chief of Police of the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu; the prosecuting attorneys of the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu; the driver examiners of each county including Hawaii, Kauai, Maui, and the City and County of Honolulu; as well as Mothers Against Drunk Driving; the ignition interlock device vendor; as well as members of the Judiciary.

"So while I recognize this bill has a way to go, please be advised that the task force that has been in existence since 2008 and has worked very, very hard on these measures and with the support of this Body, the Senate, and the former Executive Branch, we were able to get that law into place, which did go affect on January 1st, 2011. I want to thank the Members for their support, but the current bill as it stands now with the amendments, are not supported by the task force and I do note that this is a task force bill.

"Finally, Mr. Speaker, the amendments that were put in could have been worked on during the interim, which is another reason why the task force asked to be extended one further year. Unfortunately the task force was also deleted. So again, as the bill currently stands, I recognize that it has a way to go and so it is my sincere hope that we continue to work on these amendments and if not, I will reserve my comments and my rather long speech for Third Reading. Thank you, Mr. Speaker."

Representative Thielen rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, I'm also in strong reservations and I also would make the same request. I would like to add that this bill also gives the opportunity of somebody who permanently lost their license to then now participate in the interlock program. So if you were permanently banned from driving for your lifetime, now you have a means to get your license again."

Representative Ward rose to speak in support of the measure with reservations, stating:



"Mr. Speaker, I also have strong reservations and I ask that the words of the Representative from Kapolei, including her passion, and I should say knowledge, about this particular subject be entered into the Journal."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I will vote no on this bill. And I would like the words of the Representative from Kapolei entered as my own. I'm hoping that on Final Reading I will be able to vote for this measure. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I too rise with reservations and ask that the words of the Representative from Kapolei be entered as my own. And I have just one more sentence to add. It seems that this bill is in somewhat contradiction to the conservation made earlier regarding alcoholism. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. I wish to speak strongly in favor of the measure. This measure provides for the interlock to prevent killing on the highway, and people destroying themselves and others. But this still allows them to go to work and support the family by driving to and from their job. Now part of the part of the measure that is disturbing some of our colleagues here and it has to do with two items.

"One is to allow those that had their license removed permanently to come back into the system again and to be able to drive again, providing they have the interlock for a period of time. And the time is stipulated in there. The longer you have been away from not being able to drive, then the shorter the term, providing you have been clean during that period of time.

"The dichotomy of this law that we have here is after a certain year, they took that section out and they took the permanent revocation out. But those that were affected prior to that still had the permanent revocation. So this bill attempts to correct that.

"Now when I questioned MADD on it to make some changes to correct this inequity, MADD said, 'Well, let's wait another year.' This has been going on for three or four years. Now, you have got to understand that the committee's made up of 43 members. Sometimes it takes a little while for all 43 to come into agreement.

"Now I also compliment the committee for working very hard these past years. I have plenty of aloha for them. But at the same time their job is to advise, and not to make laws. Making of laws is the prerogative of this Body here, and not of the committee.

"So this is just a work in progress. It's going to be going on so we can re-look at this issue again. We're going to try to improve the language for those who have lost their license permanently to make it a little more clear, a little more equitable, and we'll be hopefully working with the Finance Committee as to the correct language. I have some people working on the language right now, but what I'm trying to impress on the Members here is that we don't have to wait until 2012. Let's do it this year. Thank you, very much."

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Just briefly, I'd like to note that a person who has received a lifetime revocation has in fact committed four violations, a drug or alcohol violation, in a period of ten years, which is why that person has permanently had their license revoked for this person's lifetime. In essence, that person has committed four heinous crimes within a ten-year

period. That is why that person no longer has the privilege of driving. Thank you, Mr. Speaker."

Representative Keith-Agaran rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. In support. This bill, before it came to the Committee, was really creating two classes of drunks: those that were before the interlock program; and those that are caught now. So we basically, by going forward with the interlock, we're going to let certain drunks continue to drive. I think the bill that's on the Floor just reflects the fact that we should treat all our residents equally, and give them the opportunity to take advantage of the interlock.

"The whole purpose of interlock is to make sure that those who have been caught with DUIs do not get back into a vehicle and drive, and if they do, the interlock instrument will prevent the car from starting. I think we can see that people who have permanently lost their license are still being caught and are getting around the current system. So as the Representative from Waihee points out, this bill still has a while to go and hopefully, language can be worked on.

"Now having sat on the Transportation Committee in the last two years, the issue about people that have been permanently barred from driving has come up before and has been raised with the task force. They have continued to say, 'Yes, we'll work on it,' and then come back again with bills that do not address the issue. I think the bill in some ways, in the form that it is, is to ask them to please work on the bill. We still have time before the end of Session and hopefully we can have this matter resolved. Thank you."

Representative Tokioka rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations and I look forward to all the good dialogue in Finance. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1435, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 1009, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1009, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 396, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 396, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 980, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.



980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 889, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 889, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 461, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 684, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 246, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 246, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 1001, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1001, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1627, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1627, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on Stand. Com. Rep. No. 579. And a brief comment that just as I spoke earlier about, this is the Mini-Akaka Bill which is the Hawaii version of what otherwise is the national version. I think it's not timely at this particular junction. Even OHA and DHHL need more time to study the impact. I know when this was heard in the Hawaiian Affairs Committee there was very little testimony, and then very, very short testimony on something with this huge of an impact of a new nation., a first nation, needs to be totally absorbed and totally understood before we move ahead. So I just put my caution on this that it's a big bill moving very fast and we need to understand what it is. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1627, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 132, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 132, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'd just like to note my reservations for Stand. Com. Report No. 580 and would refer Members to take a look at the testimony by the Japanese American Citizens League and the ACLU. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DNA SAMPLES FROM ARRESTEES OF SEXUAL OFFENSES AGAINST MINORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1225, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1225, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative M. Lee rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takumi rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Hashem rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO BINGO," was referred to the Committee on Finance, with Representatives Aquino, Ching, Choy, Cullen, Fontaine, Hashem, Johanson, M. Lee, Marumoto, Morita, Nishimoto, Saiki, Takumi, Thielen, Ward and Yamane voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1513, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 467, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 638, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 781, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 781, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

\* Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative M Lee rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hashem rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Hopefully I am the 26th no vote."

Representative Takumi rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

At 1:21 o'clock p.m. Representative Brower requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

Representative Pine rose, stating:

"Yes, just for transparency sake, I'd like to call for the division of the House."

At 1:35 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

Representative Pine rose, stating:

"I withdraw my motion so that others can continue to vote."

Representative Jordan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Brower rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Mr. Speaker, I hope that today, history will show that the Chair of Tourism was able to rally a bipartisan coalition and keep this issue out of his neighborhood. And as stated today, 'Not in my house.'"

Representative Coffman rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. I just would like to make a brief comment. I support bingo, but I think that we should proceed slowly on this matter. So we let this one go by, and perhaps we'll see what the outcome will be before we take this gaming in Waikiki any further. Thank you, Mr. Speaker."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time, Representative B. Oshiro moved that, notwithstanding the prior motion, and notwithstanding the recommendations contained in

Standing Committee Report No. 585, that H.B. No. 781, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the motion, stating:

"Mr. Speaker, I rise against the motion. Being that we voted after some people have changed their vote 28 to 19, clearly that is a failure of the bill. To recommit it, I think, is unfair score keeping. It will perhaps hide something by this recommitment of which we often do before we've taken a vote.

"We honestly and openly have taken a vote. We've voted it down. The people who represent the people of Hawaii have said, 'We don't want it.' Why turn it back to the Committee which in effect is the one that got it here in the first place and trust them rather than the vote that says, it's dead now. So I think this is just a little bit of a 'gerrymandering' of voting and is uncalled for. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this recommitment. Yes, for those of us who don't support gambling, this is the way to do it. A recommitment in this case is to kill the bill. So I urge my colleagues that don't support gambling to support this motion. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," was recommitted to the Committee on Judiciary, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 688, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 341, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 341, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 397, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 397, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 581, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 581, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

RESIDENTIAL REAL PROPERTY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 430, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 430, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes on Stand. Com. Rep. No. 590, I have the same potential conflict. I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 430, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOMELESS PROGRAMS OFFICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 960, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 960, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1586, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1586, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OHANA HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 70, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 70, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I wanted to declare a potential conflict on Stand. Com. Rep. No. 593. I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 70, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 1489, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1489, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 1247, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1247, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Har rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. Please note my strong reservations on Standing Committee Report No. 595."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 1306, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 601, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 309, HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 309, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like to cast a no vote on Stand. Com. Rep. No. 598. And a few comments. Thank you. Mr. Speaker, House Bill 309 unfortunately will allow more of the 'Hoover vacuum cleaner towers'

in Kakaako, and I think that's a mistake. You know how unfortunate those are on our skyline. And also when you go by them, you'll take a look at mostly dark windows. They were bought by overseas investors, and not by people in our community. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I just would like to mention to the Members that House Bill 309 has nothing to do with Kakaako. Thank you."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Saiki and Thielen voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Cabanilla and Rhoads, for the Committee on Housing and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 1450, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1450, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker. On Stand. Com. Rep. No. 599, I notice it also relates to a homeless training program. In my part-time work, I do help the homeless get jobs," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 600) recommending that S.B. No. 1286, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 838, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 601 on H.B. No. 838, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 838, HD 2, were made available to the Members of the House.

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Carroll, Herkes and McKelvey were excused.)

### REPORTS OF STANDING COMMITTEES

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 1015, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1015, HD 1, pass Third Reading, seconded by Representative Evans.

At 1:44 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Herkes and McKelvey being excused.

At 1:46 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1015, HD 1

### ANNOUNCEMENTS

Representative Ching: "Thank you. At the expense of sounding like a broken record, but it is yet still February. So tomorrow, I'd like to announce that there are cacao orchard tours from 9:30 to 11:00 at the Waialua Estate in Waialua-North Shore area where they will have the 20 acre-cacao orchard tour. Then go into Waialua Town and the sugar mill to learn about the preparation of raw cacao and how it is turned into chocolate.

"Also at Kapolei Shopping Center there will be sampling of the locally produced Hawaiian-grown cacao chocolate, educational displays, and information, as well as Hawaiian-grown chocolate fudge sauce and Waialua Estate chocolate."

### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Referred to:</u>
44	Committee on Judiciary
45	Committee on Energy & Environmental Protection, then to the Committee on Finance

**H.C.R.****Nos.      Referred to:**

- 51            Committee on Judiciary
- 52            Committee on Energy & Environmental Protection, then to the  
                 Committee on Finance
- 53            Committee on Education, then to the Committee on Finance

**S.B.****Nos.      Referred to:**

- 36,            Jointly to the Committee on Health and the Committee on  
SD1            Human Services, then to the Committee on Finance
- 170,           Jointly to the Committee on Public Safety & Military Affairs  
SD1            and the Committee on Transportation, then to the Committee  
                 on Judiciary, then to the Committee on Finance
- 250,           Committee on Labor & Public Employment, then to the  
SD1            Committee on Finance
- 729,           Committee on Energy & Environmental Protection, then to the  
SD1            Committee on Finance
- 1213,           Committee on Economic Revitalization & Business, then to  
SD1            the Committee on Water, Land, & Ocean Resources, then to  
                 the Committee on Finance
- 1309,           Committee on Judiciary, then to the Committee on Legislative  
SD1            Management, then to the Committee on Finance

**COMMITTEE REASSIGNMENTS**

The following measure was re-referred to committee by the Speaker:

**H.B.****No.      Re-referred to:**

- 840            Committee on Finance

**ADJOURNMENT**

At 1:47 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 22, 2011. (Representatives Carroll, Herkes and McKelvey were excused.)